

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C) .No. 15074 of 2007(T)

PETITIONER:

RADHAKRISHNAN, S/O.RAVEENDRAN,
MULLASSERY HOUSE, ANAPUZHA DESOM,
METHALA VILLAGE, KODUNGALLUR.

BY ADV. SMT.K.S.SABITHA

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
THRISSUR.
2. THE DEPUTY TAHSILDAR (RR)
KODUNGALLUR.
3. SUB INSPECTOR OF POLICE,
KODUNGALLUR.

BY G.P.SMT..ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P(C) .No. 15074/07

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE CERTIFICATE OF REGISTRATION, INSURANCE CERTIFICATE AND TAX RECEIPT.

P2. COPY OF THE SEIZURE MAHAZAR.

P3. COPY OF THE ORDER BY R3.

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///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.15074 of 2007

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Dated this the 23rd day of May, 2007

J U D G M E N T

Petitioner's lorry bearing registration No.KL/13/L-4400 has been seized by the respondents on the allegation of violation of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 ("the Act" for short). The vehicle has been seized on 7.4.2007 and is kept in police custody. Petitioner's complaint is that the 1st respondent is not passing final orders, neither are steps taken to give interim custody of the vehicle pending final orders. The petitioner submits that he has not violated any of the provisions of the Act and therefore the vehicle is not liable to be seized. He therefore seeks a direction to the respondents to release the vehicle to him.

2. The learned Government Pleader opposes the

petition. According to him, the lorry has been seized as per Ext.P2 *mahazar* finding that the lorry was used for illegal transport of river sand and therefore vehicle cannot be released until orders are passed by the 1st respondent in accordance with law. The learned Government Pleader submits that even if this court is inclined to direct interim custody of the vehicle, that shall only be on furnishing bank guarantee for the value of the vehicle.

3. After hearing both sides, I am not satisfied that the Government Pleader is right in submitting that the petitioner has to furnish security for the value of the vehicle. First respondent's powers under the Act extends only to imposition of fine, if at all, that too, to a maximum amount of Rs.25,000/-. That being so, the petitioner cannot be asked to furnish security for more than the maximum amount of fine that can be imposed by the 1st respondent in final proceedings under the Act. In the above circumstances, I

dispose of this writ petition on the following terms:

The 1st respondent is directed to complete the proceedings under the Act and pass final orders as expeditiously as possible. Pending final orders, there would be a direction to the respondents to release the petitioner's vehicle on his furnishing bank guarantee for an amount of Rs.25,000/-. This is subject to the further condition that the petitioner shall produce proof of ownership of the vehicle. The petitioner shall not also alienate or otherwise part with possession of the vehicle until final orders are passed in the matter.

The writ petition is disposed of as above.

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S.SIRI JAGAN, JUDGE